

**City of Fayetteville
Regular Mayor and City Council Meeting
Minutes
December 1, 2005**

Call to Order

The Mayor and City Council of Fayetteville met in regular session on Thursday, December 1, 2005 at 7:30 p.m. in the Council Chambers at City Hall. Mayor Steele called the meeting to order, and led those attending in the Pledge of Allegiance to the Flag. Council members present were: Larry Dell, Walt White, Wilson Price, Glenn Brewer, and Al Hovey-King. Staff members present were City Manager Joe Morton and City Clerk Judy Stephens.

White moved to approve the minutes of the Regular Council Meeting of November 17, 2005. Dell seconded the motion.

For motion: White, Dell, Price, Brewer

Abstained: Hovey-King

The motion carried.

Public Hearings:

Mayor Steele called 2nd Reading on Proposed Ordinance #0-39-05 – Annexation Request from Advanced Aesthetics to annex into the City of Fayetteville 7.80 acres located Land Lot 125 of the 5th District.

Eldridge Gunn, City Planner stated the applicant is proposing to annex the area located along Georgia Highway 54, between Yorktown Drive and Hickory Avenue in the 5th Land District, Tax Map Number 22, Parcel Numbers 22 and 27. There are two (2) owners and two (2) parcels. The property will be combined into one lot.

The applicant is proposing to construct two approximately 40,000 square foot, two-story buildings for medical/professional office use. The buildings will be developed in two phases. The current business on site, Advanced Aesthetics, will occupy 25% of the building constructed in the first stage. That building will also dedicate 5,000 square feet for an ambulatory surgical center. The building constructed during the second phase will be leased entirely to other tenants.

The property is currently zoned O-I (Office-Institutional) in the County and the Petitioner has requested O-I (Office-Institutional) in the City. The Future Land Use map designates this property Office. Accordingly, the City would designate this area on its zoning map as O-I (Office-Institutional).

Proposed access to the property will be through a shared drive off of Highway 54. The two buildings will also share parking and will be connected by a landscaped walkway with adjacent garden areas.

The site is within the Fayette County water district. Sewer service will be provided by the City of Fayetteville.

Police services will be provided by the City of Fayetteville and the Fayetteville Fire Department will be the first responder to this area.

There were no Public Comments.

White moved to adopt Ordinance #0-39-05 – Annexation Request from Advanced Aesthetics to annex into the City of Fayetteville 7.80 acres located Land Lot 125 of the 5th District. Dell seconded the motion. The motion carried unanimously.

Mayor Steele called 2nd Reading on Proposed Ordinance #0-40-05 – Rezoning Request from Advanced Aesthetics to rezone 7.80 acres located Land Lot 125 of the 5th District from County O&I to City O&I.

Eldridge Gunn, City Planner stated the property is currently zoned O-I (Office-Institutional) in the County and the Petitioner has requested O-I (Office-Institutional) in the City. The Future Land Use map designates this property Office. Accordingly, the City would designate this area on its zoning map as O-I (Office-Institutional).

There were no Public Comments.

Dell moved to adopt Ordinance #0-40-05 – Rezoning Request from Advanced Aesthetics to rezone 7.80 acres located Land Lot 125 of the 5th District from County O&I to City O&I. Hovey-King seconded the motion. The motion carried unanimously.

Mayor Steele called 2nd Reading on Proposed Ordinance #0-41-05 - Amendment to the City of Fayetteville Zoning Ordinance Section 94-162 to address Crematories in the RP (Residential Professional) Zoning District.

Eldridge Gunn, City Planner advised at the request of the Planning & Zoning Commission, Staff drafted an amendment to the zoning ordinance (Sec. 94-162) allowing crematories in the RP (Residential Professional) zoning district. Currently, crematories are an allowed use only in the M-2 (Heavy Manufacturing) zoning district.

General information on crematories, including environmental studies, was presented at the August 23, 2005 Planning and Zoning as a discussion item by Mr. C.J. Mowell. Mr. Mowell's funeral home is located in the RP (Residential Professional) zoning district and would be affected by this amendment.

After discussion, the majority of the Commission felt that M-2 (Heavy Manufacturing) was an appropriate zoning category to accommodate a crematory use.

At the October 25th meeting, the Planning and Zoning Commission recommended denying a change to the amendment to allow crematories in the RP (Residential Professional) zoning district.

C.J. Mowell appeared before council asking that this amendment be approved and to answer questions anyone might have.

A lady stated she would like to see the Mowell's have a crematory.

Price moved to deny Ordinance #0-41-05 - Amendment to the City of Fayetteville Zoning Ordinance Section 94-162 to address Crematories in the RP (Residential Professional) Zoning District. White seconded the motion.

For motion: Price, White, Dell, Hovey-King

Opposed: Brewer

The motion carried.

Mayor Steele called 2nd Reading on Proposed Ordinance #0-42-05 - Amendment to Water and Sewer Ordinance /Conservation Rate.

Ellen Walls, Assistant Finance Director stated staff is recommending changes to our existing rate schedules to meet the required Water Conservation Actions as adopted by the Atlanta Regional Commission (ARC) that will apply to consumers in the 16 District counties. Water Conservation Action No. 1 – Establish conservation pricing by all District utilities. The goal of conservation pricing is to reduce excessive discretionary water use, especially outdoor irrigation, by making water use increasingly more expensive. To meet the year 2030 conservation goals, all District utilities should implement at least a 3-tiered rate structure by 2006. The proposed rates have been developed to allow the residential customer to use up to 20,000 gallons of water before conservation rates go into effect. Water usage in excess of 20,000 gallons will be charged 110% of the regular per thousand gallon rate.

There were no Public Comments.

Dell moved to adopt Ordinance #0-42-05 - Amendment to Water and Sewer Ordinance /Conservation Rate. White seconded the motion. The motion carried unanimously.

New Business:

Mayor Steele Presented Amendment to Waste Management Contract.

Gerald Matthews, representing Waste Management stated they are requesting a rate increase pursuant to the existing contractual agreement which commenced on March 1, 2004; Page 24, Section 16.2; Paragraphs A, B and C. He advised they have been servicing the City of Fayetteville since 1989 and this increase is due to skyrocketing gas prices and dramatically increased health insurance rates.

The proposed rate increase would affect the existing rates as follows:

Residential Refuse	7.50	9.59	+2.09
Residential Recycle	1.49	1.91	+0.42
Total Increase Per Unit:			+2.51

The city is presently paying \$8.99 per unit per month for refuse and recycling pickup, the new proposed rate is \$11.50 per unit.

White moved to amend Waster Management Contract that would increase the garbage and recycling rate to \$11.50 per customer. Hovey-King seconded the motion. The motion carried unanimously.

Mayor Steele presented Resolution R-22-05 Sanitation Rate Increase.

Ellen Walls, Assistant Finance Director stated the City presently charges our customers \$9.35 and the senior customers \$7.95 (15% discounted rate) for sanitation services. Staff recommends increasing our current sanitation rates to cover the cost of services generated by contractual agreement with Waste Management. The proposed new charge to our customers is \$11.85 (increased \$2.50), which would change the senior customers to \$10.08 (increased \$2.13) for sanitation services as shown in the table below.

	Current Charge	Proposed Charge	Change
Sanitation Customer	9.35	11.85	+2.50
Senior Sanitation	7.95	10.08	+2.13

Dell moved to adopt Resolution R-22-05 Sanitation Rate Increase. Price seconded the motion. The motion carried unanimously.

Mayor Steele called for Sign Variance request from Fayette Pavilion for Dick's Sporting Goods.

Eldridge Gunn, City Planner stated The applicant is requesting a sign variance from the general regulations in the Sign Ordinance Section 6-10 (b) (1) that states permitted signs shall be limited to 45 square feet with a maximum height of six feet from grade. There are currently two planned center monument signs that face Georgia State Highway 85 and the applicant would like to extend the length of those monument signs. They would like to do this by adding one panel to the end of each sign.

The request is based on a requirement of a wall panel by Dick's Sporting Goods in order to complete the deal to take the Dékor space in the center. The second sign would need to be added based on requirements in the Best Buy lease that states that if additional wall panels are added then they would be entitled to a wall panel.

The new panels will be made of the same materials and will be the same size as existing panels. The existing wall spaces for the panels are just over 6 ½ feet high and the widths are approximately 19 ½ feet with 37 inch columns between each.

A variance was granted for these wall signs in 1995 that allowed them to be more than the maximum 45 square feet for a monument sign. And several other variances have been granted over the years for the Fayette Pavilion and its tenants because of the larger scale of the tenant buildings and larger size of the Pavilion overall. The Pavilion has more than 25 anchor tenants and nearly one and a half million square feet of retail space.

Daryl Baker representing Fayette Pavilion appeared before council and requested that if approved this sign variance would be null and void if Dick's Sporting Goods did not occupy this building.

Dell moved to approve sign variance request from Fayette Pavilion, but if Dick's Sporting Goods does not occupy the building this variance would become null and void. White seconded the motion. The motion carried unanimously.

Mayor Steele presented Resolution R-23-05 – Authorizing Mayor to sign and execute GEFA Wastewater Plant upgrade loan.

Dell moved to authorize Mayor Steele to sign and execute the GEFA Wastewater Plant upgrade loan. Price seconded the motion. The motion carried unanimously.

Dell moved to cancel the December 15, 2005 Council Meeting. Price seconded the motion. The motion carried unanimously.

Public Comments:

Dean Breest appeared before council asking that he be allowed to have a run at 11:45 p.m. on December 31, 2005.

Mayor Steele advised that the city has an Ordinance that doest not allow a parades between the hours of 9:00 p.m. and 8:00 a.m. because of safety factors. He did advised Mr. Breest that maybe he can work with the city to have this event next year when more planning and be completed and a place that will be safe for everyone.

Dell moved to adjourn the meeting. White seconded the motion. The motion carried unanimously.

Respectfully submitted,

Judy Stephens, City Clerk